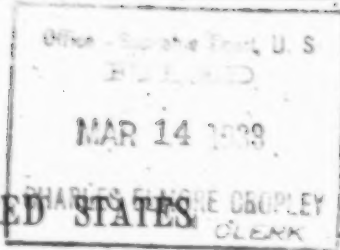


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SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1937

\_\_\_\_\_  
No. 760  
\_\_\_\_\_

ARKANSAS FUEL OIL COMPANY,

*Appellant,*

vs.

STATE OF LOUISIANA EX REL. HYMAN MUSLOW.

\_\_\_\_\_  
APPEAL FROM THE COURT OF APPEAL, SECOND CIRCUIT, STATE OF  
LOUISIANA.  
\_\_\_\_\_

MOTION TO DISMISS.  
\_\_\_\_\_

JOHN B. FILES,  
Counsel for Appellee.

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**No. 760**

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**ARKANSAS FUEL OIL COMPANY,**

*vs.*

*Appellant,*

**STATE OF LOUISIANA EX-REL. HYMAN MUSLOW.**

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**MOTION TO DISMISS THE APPEAL FROM THE  
COURT OF APPEAL, SECOND CIRCUIT, LOUISI-  
ANA, TO THE SUPREME COURT OF THE UNITED  
STATES.**

---

And now comes appellee and moves the Court to dismiss  
the appeal filed herein, and for cause shows:

**I.**

That this suit involves the collection of value of oil sold  
and delivered to the Arkansas Fuel Oil Company or its  
predecessors, by Hyman Muslow, by summary process, in  
accordance with Act 64 of the Legislature of Louisiana  
for 1934.

**II.**

That the decision of the Court of Appeal held that the  
act was constitutional under the provisions of the Consti-

tution of the State of Louisiana, and did not pass upon and did not consider the provisions of the Federal Constitution.

### III.

That the decision could have been based upon the plea of estoppel, a non-Federal question, which plea the court said held merit but did not expressly decide. The plea of estoppel, however, was sufficiently broad to sustain the judgment rendered, and no Federal question was properly presented.

### IV.

That petitioner's allegation of the Federal question herein is frivolous in its nature and cannot be made substantial so as to serve as a basis of appeal.

WHEREFORE appellee prays that the appeal herein be dismissed with costs, and, in the event the motion to dismiss be overruled, that the judgment of the Court of Appeal be affirmed, and for general relief.

JOHN B. FILES,  
*Counsel for Appellee.*

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